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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 19 April 2006 from the Permanent Mission of Peru to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Peru to the United Nations presents its compliments to the Office of the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to transmit herewith the supplementary report of Peru on the implementation of resolution 1540 (2004) concerning the non-proliferation of weapons of mass destruction (see annex).

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Annex to the note verbale dated 19 April 2006 from the Permanent Mission of Peru to the United Nations addressed to the Chairman of the Committee

Supplementary national report on the implementation of resolution 1540 (2004) concerning the non-proliferation of weapons of mass destruction

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I. Introduction

Since the creation of the Republic, one of the fundamental pillars of Peru's foreign policy has been the promotion of international peace and security. Our historic performance shows that we have always supported measures aimed at achieving disarmament in all its aspects, preventing proliferation, promoting the pacific settlement of disputes and improving understanding and mutual trust among members of the international community.

Accordingly, Peru supported the creation of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Comprehensive Nuclear-Test-Ban Treaty Organization and actively participates in each of them. It has also signed most of the international instruments in this area, in order to help ensure that nuclear materials, chemical substances and biological agents are used for peaceful purposes and, at the same time, to prevent them from being diverted for military purposes.

This supplementary national report on resolution 1540 (2004) further demonstrates our commitment to disarmament and the non-proliferation of weapons of mass destruction and thereby contributes to the promotion of international peace and security.

II. Executive summary

At the outset, it is important to stress that Peru does not possess, and does not intend to possess, any weapons of mass destruction. It has stated this position on various occasions, in both a regional and a subregional context.

Accordingly, the Conference of Ministers for Foreign Affairs and of Defence of the Andean Community adopted the Lima Commitment-Andean Charter for Peace and Security and the limitation and control of foreign defence spending (17 June 2002), chapter VII of which concerns commitments to consolidate the ban on nuclear, chemical and biological weapons.

Through the Declaration regarding a South American peace zone (July 2002), Peru once again demonstrated its desire to contribute towards the eradication of weapons of mass destruction, for this Declaration explicitly bans the siting, development, manufacture, deployment, testing, and use of any type of mass-destruction weapon, as well as the transport of such weapons through the countries of the region.

On the occasion of the 2003 Declaration on Security in the Americas, Peru reaffirmed its commitment to strengthening peace, in a context of consolidating the policy of banning weapons of mass destruction and establishing peace zones.

Likewise, one of the main objectives of the Andean Community's Declaration of San Francisco de Quito on the Establishment and Development of the Andean Zone of Peace is to contribute to the effective prohibition of weapons of mass destruction and their passage through the Andean region.

Lastly, and more specifically, through the joint ministerial statement in support of the Comprehensive Nuclear-Test-Ban Treaty (September 2004), Peru reaffirmed its backing of the Treaty, as a way of eliminating nuclear testing and contributing to

the progressive reduction of nuclear weapons and the prevention of nuclear proliferation.

Peru therefore recognizes the need to adopt legal and administrative measures aimed at fulfilling its obligations under resolution 1540 (2004). Accordingly, it has conducted and continues to conduct a series of multilateral and national activities relating to the non-proliferation of weapons of mass destruction, as outlined below.

1. Legislation on weapons, their means of delivery and related materials in the nuclear field

(a) Background

The international community has made considerable progress in this area. Peru's commitment to this effort is demonstrated by the fact that it has ratified or acceded to instruments of international law of both regional and international scope.

Accordingly, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which was adopted on 1 July 1968 and entered into force on 5 March 1970, was ratified by Peru on 6 February 1970. Likewise, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) entered into force for Peru on 4 March 1969.

In accordance with article III of the NPT, each non-nuclear-weapon State party to the Treaty (the case of Peru) undertakes to conclude safeguards agreements with the International Atomic Energy Agency (IAEA). Thus, in 1979 Peru concluded an Agreement for the Application of Safeguards with IAEA, and in 2000 it signed a Protocol Additional to the Agreement for the Application of Safeguards, which it ratified in 2001.

Peru actively participated in the preparatory process and in the NPT Review and Extension Conference held in New York from 17 April to 12 May 1995, at which it was decided to extend the NPT indefinitely and strengthen the periodic review process. Those decisions were based on the conviction that the NPT is the cornerstone of the global nuclear non-proliferation regime.

In the same spirit, and in order to establish the preservation of international peace and security as one of the priority and defining areas of its foreign policy, Peru has acceded to the following related international instruments:

- Vienna Convention on Civil Liability for Nuclear Damage (1963);
- Convention on the Physical Protection of Nuclear Material (1980);
- Convention on Early Notification of a Nuclear Accident (1986);
- Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (1986);
- Protocol for the Protection of the South-East Pacific against Radioactive Contamination (1989);
- Convention on Nuclear Safety (1994);
- Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (1997); and

- Regional Cooperative Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL) (1998).

(b) **Implementing legislation**

Act No. 28627 of 22 November 2005 added a new paragraph to article 279-A of the Penal Code making a whole series of acts relating to weapons of war punishable by law. Work is now under way on a draft general law on weapons, munitions, explosives and related materials, which is expected to incorporate a classification of weapons of war covering weapons of mass destruction [chemical, nuclear and biological]. This would enable the State, acting within the national legal framework, to penalize acts which, following the entry into force in Peru of international non-proliferation treaties, would be considered illegal.

In the area of related materials, as defined by Security Council resolution 1540 (2004), Peru has a wide array of legislation:

- Regulations pertaining to nuclear safeguards (1989);
- Regulations pertaining to radiological safety (1997);
- Regulations concerning Physical Protection of Nuclear Materials and Facilities (2002);
- Act No. 27757 prohibiting imports of goods, machinery and equipment that use radioactive sources (2002);
- Act No. 28028 governing the use of sources of ionizing radiation (2003);
- Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028 (2003); and
- Regulations pertaining to Act. No. 27757 establishing a control mechanism for the import of sources of ionizing radiation (2004).

The Peruvian Nuclear Energy Institute (IPEN) has accumulated over 25 years' worth of experience in the research and development of nuclear energy and related areas. Furthermore, in accordance with Act No. 28028 governing the use of sources of ionizing radiation, it is the national authority responsible for regulating, authorizing, controlling and monitoring the use of sources of ionizing radiation relating to radiological and nuclear safety, physical protection and nuclear safeguards within the national territory.

The Institute is also responsible for monitoring the safe use of sources of ionizing radiation, in close cooperation with IAEA.

2. Legislation on weapons, their means of delivery and related materials in the chemical field

(a) **Background**

Peru is a State party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention) following its accession on 14 January 1993. The Convention entered into force on 29 April 1997.

(b) Implementing legislation

In order to comply with this international instrument, in October 1996 the Peruvian legislature adopted Act No. 26672 establishing the National Council for the Prohibition of Chemical Weapons (CONAPAQ), which in article 2 establishes CONAPAQ as the National Authority referred to in article VII, paragraph 4, of the Chemical Weapons Convention and designates the institutions that comprise it.

This Act also incorporates the prohibitions referred to in the Convention and the corresponding penalties by introducing a new provision in the Penal Code (article 279-A).

With the clear aim of refining the systems for controlling sensitive materials and technologies, the Peruvian legislature incorporated the substances regulated by the Convention into the Customs Tariffs Nomenclature. Supreme Decree No. 119-97 then established specific tariff subheadings for those substances.

CONAPAQ is currently working on a draft law on measures for the control of chemical substances that could be diverted for the manufacture of chemical weapons, the objective of which is to establish the requisite measures to give full effect to the provisions of the Chemical Weapons Convention. Even though the draft law has yet to go through the internal adoption process, its provisions have been included in the corresponding sections of the matrix, under "Remarks", for reference.

3. Legislation on weapons, their means of delivery and related materials in the biological field

(a) Background

Peru is a State party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, having signed it on 10 April 1972 and deposited its instrument of ratification on 5 June 1985.

(b) Implementing legislation

Peru has made huge strides in the field of biosafety. Following its accession to the Convention on Biological Diversity (1993) and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (2000), Peru addressed the question of the implementation of each instrument within the national legal framework.

Accordingly, by Act No. 27104 (12 May 1999) on preventing the risks associated with the use of biotechnology, Peru regulated biosafety, establishing the general rules applicable to activities relating to investigation, production, introduction, handling, transport, storage, conservation, exchange, sale, confined use and release of living modified organisms (LMOs), under controlled conditions.

One of the key provisions of this Act is article 12, which explicitly bans the use of LMOs in biological weapons and in practices that are harmful to the environment and human health.

Regulations for the Act were subsequently established by Supreme Decree No. 108-2002-PCM. Currently, consideration is being given to the implementation of sectoral directives governing each of the activities covered by the Act and its regulations.

III. Matrix relating to the supplementary national report on resolution 1540 (2004)

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Peru**

Date of report: 19 April 2006

Did you make one of the following statements or is your country a State party to or member State of one of the following Conventions, Treaties and Arrangements?		*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the report or an official website)*
1	General statement on non-possession of WMD	X	**- Declaration regarding a South American peace zone (2002)** **- Lima Commitment, signed by the Ministers for Foreign Affairs and of Defence of the Andean Community (2002)** Chapter VII: Commitments to consolidate the ban on nuclear, chemical and biological weapons **- Declaration of San Francisco de Quito on the Establishment and Development of the Andean Zone of Peace (2004)**	http://www.comunidadandina.org/documentos/dec_int/CG_anexo2.htm http://www.comunidadandina.org/documentos/actas/compromiso_lima.htm http://www.comunidaandina.org/ingles/documentos/documents/PeaceArea.htm
2	General statement on commitment to disarmament and non-proliferation	X	**- Declaration on Security in the Americas (2003)** **- Joint ministerial statement on the Comprehensive Nuclear-Test-Ban Treaty (2004)**	http://www.oas.org/documents/spa/DeclarationSecurity_102803.asp http://www.ctbo.org/reference/selected_statements/2004_09_ministerial_statement
3	General statement on non-provision of WMD and related materials to non-State actors			
4	Biological Weapons Convention (BWC)	X	Signed on 10 April 1972 Instrument of ratification deposited on 5 June 1985	http://disarmament.un.org:8080/TreatyStatus.nsf

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	Did you make one of the following statements or is your country a State party to or member State of one of the following Conventions, Treaties and Arrangements?	*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the report or an official website)*
5	Chemical Weapons Convention (CWC)	X	Signed on 14 January 1993 Ratified on 19 May 1995 Instrument of ratification deposited on 20 July 1995 Entered into force on 28 July 1997	http://disarmament.un.org:8080/TreatyStatus.nsf
6	Nuclear Non-Proliferation Treaty (NPT)	X	Signed on 1 July 1968 Ratified on 6 February 1970 Instrument of ratification deposited and entered into force on 3 March 1970	http://disarmament.un.org:8080/TreatyStatus.nsf
7	Comprehensive Nuclear-Test-Ban Treaty (CTBT)	X	Signed on 25 September 1996 Approved by the National Congress on 25 September 1997 Instrument of ratification deposited on 12 November 1997	http://disarmament.un.org:8080/TreatyStatus.nsf
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Approved by the National Congress through Legislative Decision No. 26376 of 28 October 1994, with a reservation to art. 17.2 relating to means of dispute settlement Entered into force on 10 February 1995	
9	Hague Code of Conduct (HCOC)	X	Signed on 25 November 2002	http://disarmament.un.org/wmd/missiles.htm
10	Geneva Protocol of 1925	X	Instrument of ratification deposited on 5 June 1985	http://disarmament.un.org:8080/TreatyStatus.nsf
11	International Atomic Energy Agency (IAEA)	X	Since 1957	http://www.iaea.org/About/Policy/MemberStates
12	Nuclear-Weapons-Free Zone/Protocol(s)	X	**Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)** Signed on 14 February 1967 Instrument of ratification deposited and entered into force on 4 March 1969	http://disarmament.un.org:8080/TreatyStatus.nsf

Did you make one of the following statements or is your country a State party to or member State of one of the following Conventions, Treaties and Arrangements?		*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the report or an official website)*
13	Other conventions/treaties	X	**Convention on Nuclear Safety** Signed on 22 September 1994 Approved by the National Congress through Legislative Decision No. 26798 of 16 May 1997 and ratified on 1 July 1997 Entered into force on 29 August 1997	
14	Other arrangements			
15	Other	X	**Protocol for the Protection of the South-East Pacific against Radioactive Contamination** Signed on 21 September 1989 Approved through Legislative Decision No. 26477 of 14 June 1995 **Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management** Signed on 4 June 1998 and now awaiting ratification	

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Peru**

Date of report: 19 April 2006

Did you make one of the following statements or is your country a State party to or member State of one of the following Conventions, Treaties and Arrangements?		*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the report or an official website)*
1	General statement on non-possession of WMD	X	**- Declaration regarding a South American peace zone (2002)** **- Lima Commitment, signed by the Ministers for Foreign Affairs and of Defence of the Andean Community (2002)** Chapter VII: Commitments to consolidate the ban on nuclear, chemical and biological weapons **- Declaration of San Francisco de Quito on the Establishment and Development of the Andean Zone of Peace (2004)**	http://www.comunidadandina.org/documentos/dec_int/CG_anexo2.htm http://www.comunidadandina.org/documentos/actas/compromiso_lima.htm http://www.comunidaandina.org/ingles/documentos/documents/PeaceArea.htm
2	General statement on commitment to disarmament and non-proliferation	X	**- Declaration on Security in the Americas (2003)** **- Joint ministerial statement on the Comprehensive Nuclear-Test-Ban Treaty (2004)**	http://www.oas.org/documents/spa/DeclarationSecurity_102803.asp http://www.ctbo.org/reference/selected_statements/2004_09_ministerial_statement
3	General statement on non-provision of WMD and related materials to non-State actors			
4	Biological Weapons Convention (BWC)	X	Signed on 10 April 1972 Instrument of ratification deposited on 5 June 1985	http://disarmament.un.org:8080/TreatyStatus.nsf
5	Chemical Weapons Convention (CWC)	X	Signed on 14 January 1993 Ratified on 19 May 1995 Instrument of ratification deposited on 20 July 1995 Entered into force on 28 July 1997	http://disarmament.un.org:8080/TreatyStatus.nsf

	Did you make one of the following statements or is your country a State party to or member State of one of the following Conventions, Treaties and Arrangements?	*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the report or an official website)*
6	Nuclear Non-Proliferation Treaty (NPT)	X	Signed on 1 July 1968 Ratified on 6 February 1970 Instrument of ratification deposited and entered into force on 3 March 1970	http://disarmament.un.org:8080/TreatyStatus.nsf
7	Comprehensive Nuclear-Test-Ban Treaty (CTBT)	X	Signed on 25 September 1996 Approved by the National Congress on 25 September 1997 Instrument of ratification deposited on 12 November 1997	http://disarmament.un.org:8080/TreatyStatus.nsf
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Approved by the National Congress through Legislative Decision No. 26376 of 28 October 1994, with a reservation to art. 17.2 relating to means of dispute settlement. Entered into force on 10 February 1995	
9	Hague Code of Conduct (HCOC)	X	Signed on 25 November 2002	http://disarmament.un.org/wmd/missiles.htm
10	Geneva Protocol of 1925	X	Instrument of ratification deposited on 5 June 1985	http://disarmament.un.org:8080/TreatyStatus.nsf
11	International Atomic Energy Agency (IAEA)	X	Since 1957	http://www.iaea.org/About/Policy/MemberStates
12	Nuclear-Weapons-Free Zone/Protocol(s)	X	**Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)** Signed on 14 February 1967 Instrument of ratification deposited and entered into force on 4 March 1969	http://disarmament.un.org:8080/TreatyStatus.nsf
13	Other conventions/treaties	X	**Convention on Nuclear Safety** Signed on 22 September 1994 Approved by the National Congress through Legislative Resolution No. 26798 of 16 May 1997 and ratified on 1 July 1997 Entered into force on 29 August 1997	

Did you m[illegible] one of the following statem[illegible] or is your country [illegible]e party to or member State of one of the following Conventions, Treaties and Arrangements?		*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the report or an official website)*
14	Other arrangements			
15	Other	X	**Protocol for the Protection of the South-East Pacific against Radioactive Contamination** Signed on 21 September 1989 Approved through Legislative Decision No. 26477 of 14 June 1995 **Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management** Signed on 4 June 1998 and now awaiting ratification	

Enclosure

[Original: Spanish]

OP 2 — Biological Weapons (BW)

State: **Peru**

Date of report: 19 April 2006

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
1	Manufacture/produce		*		*	
2	Acquire					
3	Possess		*		*	
4	Stockpile/store		*		*	
5	Develop					
6	Transport					
7	Transfer					
8	Use					
9	Participate as an accomplice in a.m. activities					
10	Assist in a.m. activities				*	
11	Finance a.m. activities					
12	A.m. activities related to means of delivery					
13	Involvement of non-State actors in a.m. activities					
14	Other					

* The previous national report of Peru, of 1 November 2004, contained in document S/AC.44/2004/(02)/60, wrongly identified Legislative Decree No. 898 (Act prohibiting the possession of weapons of war) as a law prohibiting the manufacture, production, possession and stockpiling of biological and nuclear weapons, whereas in fact this Act concerns conventional weapons. Likewise, and for the same reason, the reference to article 279 of the Penal Code as a provision penalizing such activities was incorrect.

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OP 2 — Chemical Weapons (CW)

State: **Peru**

Date of report: 19 April 2006

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
1	Manufacture/produce	X	**Act No. 26672 of 20 October 1996, establishing the National Council for the Prohibition of Chemical Weapons (CONAPAQ)** **Article 4** provides that no person shall: (a) Develop, produce or otherwise acquire, stockpile, own, possess or retain chemical weapons, or transfer chemical weapons to anyone, whether directly or indirectly; (b) Use chemical weapons; (c) Initiate military preparations for the use of chemical weapons; (d) Assist, encourage or induce in any way any person to carry out any activity prohibited to States parties by the Chemical Weapons Convention; (e) Transfer or receive from any person in a non-State party any chemicals listed in Schedules 1 and 2 of the Convention's Annex on Chemicals.	X	**Article 279-A of the Penal Code** "Any person who produces, develops, trades in, stockpiles, sells, acquires, uses or possesses chemical weapons — in violation of the prohibitions established in the Chemical Weapons Convention adopted by the United Nations in 1992 — or who transfers chemical weapons to another party, or promotes, supports or facilitates the commission of such acts shall be sentenced to imprisonment for a term of no less than five and no more than 20 years"	**Draft law on measures for the control of chemical substances that could be diverted for the manufacture of chemical weapons** **Art. 24:** Sets forth prohibitions relating to Schedule 1, stating that no person shall: (a) Produce, acquire, retain, transfer or use toxic chemicals and their precursors listed in Schedule 1, except for the purposes set forth in part VI, section A, paragraph 2, of the Verification Annex; (b) Pass on to a third State toxic chemicals and their precursors listed in Schedule 1 that have been transferred to Peru;

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
						(c) Transfer toxic chemicals and their precursors listed in Schedule 1 outside the national territory to non-States parties to the Convention
2	Acquire	X	**Act No. 26672** of 20 October 1996 **Article 4 (a)**	X	**Article 279-A of the Penal Code**	**Draft law on measures for the control of chemical substances that could be diverted for the manufacture of chemical weapons** Art. 24 (a)
3	Possess	X	**Act No. 26672** of 20 October 1996 **Article 4 (a)**	X	**Article 279-A of the Penal Code**	
4	Stockpile/store	X	**Act No. 26672** of 20 October 1996 **Article 4 (a)**	X	**Article 279-A of the Penal Code**	
5	Develop	X	**Act No. 26672** of 20 October 1996 **Article 4 (a)**	X	**Article 279-A of the Penal Code**	
6	Transport					
7	Transfer	X	**Act No. 26672** of 20 October 1996 **Article 4 (a)**	X	**Article 279-A of the Penal Code**	**Draft law on measures for the control of chemical substances that could be diverted for the manufacture of chemical weapons**

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
						Art. 24 Establishes prohibitions in Schedule 1. **Art. 25**. Establishes prohibitions in Schedule 2, stipulating that no person shall transfer toxic chemicals and their precursors listed in Schedule 2 of the Convention to non-States parties to the Convention or receive toxic chemicals in Schedule 2, except for: (a) Products comprising 1 per cent or less of a chemical listed in Schedule 2 or 2A; (b) Products comprising 10 per cent or less of a chemical listed in Schedule 2B; (c) Products recognized as consumer goods, whether packaged for retail sale for personal use or packaged for individual use.

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
8	Use	X	**Act No. 26672** of 20 October 1996 **Article 4 (b)**	X	**Article 279-A of the Penal Code**	**Draft law on measures for the control of chemical substances that could be diverted for the manufacture of chemical weapons** **Art. 24 (a)**
9	Participate as an accomplice in a.m. activities				**Article 279-A of the Penal Code** in relation to **articles 23 to 27** of the same Code, regulating ownership and participation	
10	Assist in a.m. activities		**Act No. 26672** of 20 October 1996 **Article 4 (d):** No person shall assist, encourage or induce, in any way, any person to carry out any activity prohibited to States parties by the present Convention		**Article 279-A of the Penal Code**	
11	Finance a.m. activities					
12	A.m. activities related to means of delivery					
13	Involvement of non-State actors in a.m. activities		**Act No. 26672 of 20 October 1996** **Article 4**			
14	Other					

OP 2 — Nuclear Weapons (NW)

State: **Peru**

Date of report: 19 April 2006

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violations be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
1	Manufacture/produce		*		*	
2	Acquire					
3	Possess		*		*	
4	Stockpile/store		*		*	
5	Develop					
6	Transport					
7	Transfer					
8	Use					
9	Participate as an accomplice in a.m. activities					
10	Assist in a.m. activities				*	
11	Finance a.m. activities					
12	A.m. activities related to means of delivery					
13	Involvement of non-State actors in a.m. activities					
14	Other					

* The previous national report of Peru, of 1 November 2004, contained in document S/AC.44/2004/(02)/60, wrongly identified Legislative Decree No. 898 (Act prohibiting the possession of weapons of war) as a law prohibiting the manufacture, production, possession and stockpiling of biological and nuclear weapons, whereas in fact this Act concerns conventional weapons. Likewise, and for the same reason, the reference to article 279 of the Penal Code as a provision penalizing such activities was incorrect.

OP 3 (a) and (b) — Account for/Secure/Physically protect BW including Related Materials

State: **Peru**

Date of report: 19 April 2006

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
1	Measures to account for production					
2	Measures to account for use					
3	Measures to account for storage					
4	Measures to account for transport					
5	Other measures for accounting					
6	Measures to secure production					
7	Measures to secure use					
8	Measures to secure storage					
9	Measures to secure transport					
10	Other measures for securing					
11	Regulations for physical protection of facilities/ materials/transports					
12	Licensing/registration of facilities/persons handling biological materials					
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					
15	Regulations for genetic engineering work		**• Convention on Biological Diversity** **• Cartagena Protocol on Biosafety to the Convention on Biological Diversity**			

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Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
			• **Act No. 27104 on the Prevention of Risks deriving from Biotechnology** Establishes general standards for research into, production, introduction, handling, transport, stockpiling, retention, exchange, sale, contained use and release of modified living organisms, under controlled conditions **(article 3)** This Act subjects these activities to authorization and creates a register of natural and legal persons authorized to carry out such activities. **Article 12** of this normative instrument expressly prohibits the use of modified living organisms in biological weapons. **Supreme Decree No. 108-2002-EM governing the Act on the Prevention of Risks deriving from Biotechnology.** Develops the provisions of Act No. 27104. It thus establishes the pertinent mechanisms for the exchange of information, in the national context and in relation to the rest of the world. It also sets out the registration procedure in detail. **Article 15** provides that the import or production of modified living organisms or their derivative			

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
			products shall be carried out by previously registered natural or legal persons from the public or private sectors. **Article 17** states that the registration of modified living organisms and their derivative products for any of the activities specified in the Act is permitted only to public or private natural or legal persons that have a licence to carry out such national activities in this field.			
16	Other legislation/regulations related to safety and security of biological materials		According to **article 46** of the Regulations, natural or legal persons which carry out the activities specified in the Act shall apply Internal Biosafety Rules, based on the relevant international and national standards, in accordance with Act No. 27104 and its Regulations.			
17	Other					

OP 3 (a) and (b) — Account for/Secure/Physically protect CW including Related Materials

State: **Peru**

Date of report: 19 April 2006

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Measures to account for production					
2	Measures to account for use					
3	Measures to account for storage					
4	Measures to account for transport					
5	Other measures for accounting					
6	Measures to secure production					
7	Measures to secure use					
8	Measures to secure storage					
9	Measures to secure transport					
10	Other measures for securing					
11	Regulations for physical protection of facilities/ materials/transports					
12	Licensing of chemical installations/entities/use of materials					**Draft law on measures for the control of chemical substances that could be diverted for the manufacture of chemical weapons** **Chapter IV. Control mechanisms**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?	*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
	YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
					Article 15: "Natural or legal persons wishing to: - Produce, acquire, store, use or transfer toxic chemicals and their precursors appearing in Schedule 1; - Produce, develop, consume, import into or export from the country toxic chemicals and their precursors appearing in Schedule 2, and/or; - Produce toxic chemicals and their precursors appearing in Schedule 3; shall, before commencing their activities, apply for a usage authorization from the Ministry of Production The provisions of the Verification Annex of the Convention shall be taken into account when granting usage authorizations"

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
13	Reliability check of personnel					
14	**Measures to account for/secure/** physically protect means of delivery					
15	National CWC authority	X	National Council for the Prohibition of Chemical Weapons (CONAPAQ) **Article 2 of Act No. 26672** designates CONAPAQ as the National Authority. In order to fulfil the obligations set out in the Chemical Weapons Convention, CONAPAQ acts as the national focal point for effective liaison with the Organization for the Prohibition of Chemical Weapons and the other States parties			**Draft law on measures for the control of chemical substances that could be diverted for the manufacture of chemical weapons** **Article 4** provides that CONAPAQ shall be the national focal point for coordination with OPCW and the other States parties, in accordance with article VII, paragraph 4, of the Convention
16	Reporting Schedule 1, II and III chemicals to OPCW	X	Peru is up to date with its annual declarations			
17	Account for, secure or physically protect old chemical weapons					
18	Other legislation/regulations controlling chemical materials					
19	Other					

OP 3 (a) and (b) — Account for/Secure/Physically protect NW including Related Materials

State: Peru

Date of report: 19 April 2006

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
1	Measures to account for production	X	**Safeguards Agreement concluded with IAEA** **Additional Protocol to the Safeguards Agreement** **Regulations on the safeguard of nuclear materials** **Article 2** provides that the purpose of the Regulations is to establish an accounting and control regime in order to prevent the diversion of nuclear materials **Chapter VII (arts. 15-18):** Monitoring and control of the authority **Chapter VIII (arts. 19-23):** Accounting and control within the facility **Article 19:** Accounting records shall be maintained, indicating the quantity of each type of material, its distribution within the facility and any changes affecting it		Supreme Decree No. 041-2003-EM (**Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028**) **Title VII:** Monitoring regime, penalties and violations **Annex II, No. 40:** Using non-exempt nuclear material without implementing accounting and control measures	http://www.iaea.org/OurWork/SV/Safeguards/sg_protocol.html
			Chapter IX: Physical inventory **Article 24:** A physical inventory shall be taken of all materials in the facility and each lot shall be identified and measured			

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Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
2	Measures to account for use	X	**Safeguards Agreement concluded with IAEA** **Additional Protocol to the Safeguards Agreement** **Regulations on the safeguard of nuclear materials** **Chapter VII (arts. 15-18):** Organization of the facility or activity **Article 18** provides for the establishment of key measurement points, including exits, entrances and storage areas, in each material balance area so that the material can be measured in order to determine its flow and inventory **Chapter VIII (arts. 19-23):** Accounting and control within the facility, **Article 19** **Chapter IX:** Physical inventory		Supreme Decree No. 041-2003-EM (**Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028**) **Title VII:** Monitoring regime, penalties and violations **Annex II, No. 40:** Using non-exempt nuclear material without implementing accounting and control measures	http://www.iaea.org/OurWork/SV/Safeguards/sg_protocol.html
			Regulations pertaining to radiological safety **Article 73** provides for the establishment of an accounting system to record the location and description of the source and the activity and form of the radioactive substances for which the owner is responsible			

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
3	Measures to account for storage		**Safeguards Agreement concluded with IAEA** **Additional Protocol to the Safeguards Agreement** **Regulations on the safeguard of nuclear materials** **Chapter VII (arts. 15-18):** Organization of the facility or activity **Article 18** provides for the establishment of key measurement points, including exits, entrances discard piles and **storage areas**, in each material balance area so that the material can be measured in order to determine its flow and inventory		**Supreme Decree No. 041-2003-EM (Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028)** **Title VII:** Monitoring regime, penalties and violations **Annex II, No. 40:** Using non-exempt nuclear material without implementing accounting and control measures	http://www.iaea.org/OurWork/SV/Safeguards/sg_protocol.html
4	Measures to account for transport		**Safeguards Agreement concluded with IAEA** **Additional Protocol to the Safeguards Agreement** **Regulations on the safeguard of nuclear materials**			

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?	*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
	YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
5 Other measures for accounting		**Safeguards Agreement concluded with IAEA** **Additional Protocol to the Safeguards Agreement** **Regulations on the safeguard of nuclear materials**			
6 Measures to secure production		**Act No. 28028 governing the use of sources of ionizing radiation** **Supreme Decree No. 009-97-EM (Regulations pertaining to radiological safety)**		Supreme Decree No. 041-2003-EM (**Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028**) **Title VII**: Monitoring regime, penalties and violations **Annex II**, which lists the violations and penalties relating to Act No. 28028	
7 Measures to secure use		**Act No. 28028 governing the use of sources of ionizing radiation** **Supreme Decree No. 009-97-EM (Regulations pertaining to radiological safety)** **Title III**: Safety requirements in sources		Supreme Decree No. 041-2003-EM (**Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028**) **Title VII:** Monitoring regime, penalties and violations **Annex II**, which lists the violations and penalties relating to Act No. 28028	

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?	*National legal framework*		*Enforcement: civil, criminal, penalties and others*		
	YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
8 Measures to secure storage		**Act No. 28028 governing the use of sources of ionizing radiation** **Supreme Decree No. 009-97-EM (Regulations pertaining to radiological safety)**		Supreme Decree No. 041-2003-EM (**Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028**) **Title VII:** Monitoring regime, penalties and violations **Annex II**, which lists the violations and penalties relating to Act No. 28028	
9 Measures to secure transport		**Act No. 28028 governing the use of sources of ionizing radiation** **Supreme Decree No. 009-97-EM (Regulations pertaining to radiological safety)** **Title V:** Transport of radioactive and nuclear materials **Article 102** refers specifically to the IAEA Regulations for the Safe Transport of Radioactive Materials		Supreme Decree No. 041-2003-EM (**Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028**) **Title VII:** Monitoring regime, penalties and violations **Annex II**, which lists the violations and penalties relating to Act No. 28028	

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement - civil/criminal penalties and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
10	Other measures for securing		**1. Control of radioactive waste** Title VI of Supreme Decree No. 009-97-EM (Regulations pertaining to radiological safety) Title VI, Chapter III of the Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028 **2. Inspections** Protocol Additional to the Agreement for the Application of Safeguards (INFCIRC 273) Title VII, Chapter IV of Supreme Decree No. 009-97-EM (Regulations pertaining to radiological safety) **3. Assessment requirements and preventive safety measures** Chapter 10 of Supreme Decree No. 014-2002-EM (Regulations concerning Physical Protection of Nuclear Materials and Facilities) **4. Registers and reports** Chapter 11 of Supreme Decree No. 014-2002-EM (Regulations concerning Physical Protection of Nuclear Materials and Facilities)		Supreme Decree No. 041-2003-EM (**Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028**) **Title VII:** Monitoring regime, penalties and violations **Annex II**, which lists the violations and penalties relating to Act No. 28028	

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?	*National legal framework*		*Enforcement: civil/criminal penalties and others*		
	YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
11 Regulations for physical protection of facilities/materials/transports		**Supreme Decree No. 014-2002-EM (Regulations concerning Physical Protection of Nuclear Materials and Facilities)**		Supreme Decree No. 041-2003-EM (**Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028**) **Title VII:** Monitoring regime, penalties and violations **Annex II**, which lists the violations and penalties relating to Act No. 28028	
12 Licensing of nuclear installations/entities/use of materials		Supreme Decree No. 041-2003-EM (**Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028**) **Title III** sets out the requirements for facilities dealing with radioactive materials and providing services, and **article 20** thereof lists the authorizations required by the various types of facility: - Radioactive facility authorization (for construction, operation or definitive closure) - Authorization to provide services - Individual authorization **Title IV** refers to nuclear facilities, and **article 31** thereof lists the required authorizations (prior or site authorization; authorizations for construction		Supreme Decree No. 041-2003-EM (**Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028**) **Title VII:** Monitoring regime, penalties and violations **Annex I**[1]	

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
			operation, alteration and closure, individual authorization and supplementary authorizations for the temporary storage of nuclear materials and change of ownership)			
13	Reliability check of personnel		**Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028** **Article 29** stipulates that training or refresher courses in radiological safety and protection must be accredited through the award of a certificate for a specific course given by the Peruvian Nuclear Energy Institute or by a body authorized or recognized by the Technical Office of the National Authority **Article 39 (b)** stipulates that the operational regulations must set out the basic staff education and training programmes **Physical Protection Regulations** **Article 20:** The holder of the authorization shall be required to ensure that staff working in the facility or on the site who are involved in physical protection activities are appropriately qualified and receive ongoing training in areas relating to their responsibilities, and must also			

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
			ensure that their probity is subject to periodic review			
14	Measures to account for/secure/ physically protect means of delivery					
15	National regulatory authority		**Act No. 28028 of 18 July 2003** governing the use of sources of ionizing radiation **Article 3** provides that the Peruvian Nuclear Energy Institute shall be the National Authority responsible for regulating, authorizing, controlling and monitoring the use of sources of ionizing radiation in areas relating to radiological and nuclear safety and the physical protection and safeguard of nuclear materials within national territory That responsibility is also conferred upon it by **article 6 of the Organization Act for the Peruvian Nuclear Energy Institute**, which was adopted by means of Decree-Law No. 21875			
16	IAEA Safeguards Agreements	X	**1. Safeguards Agreement** Concluded between the Government of Peru and IAEA in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty of Tlatelolco and signed on 2 March 1978			http://www.iaea.org/OurWork/SV/Safeguards/sg_protocol.html

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Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
			Once signed, the Agreement was approved by the Peruvian Congress by means of Decree-Law No. 22583 of 26 June 1979 It entered into force on 1 August 1979 **2. Additional Protocol to the Safeguards Agreement** The Protocol was signed by the Permanent Representative of Peru to IAEA on 17 March 2000 It was approved by the National Congress by means of Legislative Decision No. 27463 of 18 May 2001 and ratified by Supreme Decree No. 049-2001-RE of 15 June 2001. It entered into force on 23 July 2001			
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources		In **letter No. 002-06-IPEN-PRES**, addressed to the Director General of IAEA, the Peruvian Nuclear Energy Institute expressed its willingness to contribute to the implementation of the Code of Conduct and transmitted Peru's Self-Assessment Questionnaire with a view to facilitating the study of the export of radioactive sources to Peru			
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources		Peru participates in the Database Programme			

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
19	Other agreements related to IAEA		**1. Revised Supplementary Agreement concerning the Provision of Technical Assistance by the International Atomic Energy Agency** Entered into force on 25/03/1980 **2. Vienna Convention on Civil Liability for Nuclear Damage** Ratified by Peru on 16 July 1980 and entered into force on 26 November 1980 **3. Convention on Early Notification of a Nuclear Accident** The National Congress approved Peru's accession by means of Legislative Decision No. 26476 of 14 June 1995 Entered into force in Peru on 17 August 1995			
20	Additional national legislation/ regulations related to nuclear materials including CPPNM		**The Convention on the Physical Protection of Nuclear Material** was approved by the National Congress (with a reservation to article 17.2 concerning dispute settlement mechanisms) by means of Legislative Decision No. 26376 of 28 October 1994 Entered into force on 10 February 1995			

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Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
21	Other		**1. Cooperation Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL)** Signed on 20 October 1998, approved by the National Congress and ratified by the Peruvian Government on 20 January 2001 by means of Legislative Decision No. 27405 **2. Bilateral cooperation agreements on the peaceful uses of nuclear energy** With the Argentine Republic With the Republic of Bolivia With the Federative Republic of Brazil With the United States of America			